

**MONDAY, MARCH 14, 2016**

**FORTY-EIGHTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Dr. Rich Lloyd, First Baptist Newport, Newport, TN.

Representative Faison led the House in the Pledge of Allegiance to the Flag.

**RECOGNITION IN THE WELL**

Representative Faison was recognized in the Well to introduce the Christian Academy of the Smokies chorus to sing the "My Country Tis Of Thee."

**ROLL CALL**

The roll call was taken with the following results:

Present..... 96

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 96

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Womick; personal

Representative Terry

Representative DeBerry

Representative Powers

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**PRESENT IN CHAMBER**

Rep. Terry was announced as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 181** Reps. Terry and Sparks as prime sponsors.

**House Resolution No. 182** Rep. Clemmons as prime sponsor.

**House Resolution No. 183** Rep. Ramsey as prime sponsor.

**House Bill No. 62** Rep. Reedy as prime sponsor.

**House Bill No. 779** Rep. Zachary, Holsclaw, Coley, Butt and Daniel as prime sponsor.

**House Bill No. 985** Rep. Hardaway as prime sponsor.

**House Bill No. 1434** Rep. K. Brooks as prime sponsor.

**House Bill No. 1540** Rep. Hardaway as prime sponsor.

**House Bill No. 1631** Rep. Hardaway as prime sponsor.

**House Bill No. 1758** Reps. Eldridge, Womick, Matheny, Pody, Terry, Kumar, Butt, Lynn, Durham, Matlock, M. White, Carr, Holt, Kane and Hawk as prime sponsors.

**House Bill No. 2054** Reps. Terry, Hardaway, Byrd, Windle, Daniel, Armstrong, Powell, Smith, Hazlewood, Sparks, K. Brooks and Dunlap as prime sponsors.

**House Bill No. 2131** Reps. Weaver, Zachary, Terry, Butt, Lynn, Littleton, Moody, Windle, Carter, Holt, Holsclaw, Ragan, Hulse, Lundberg, Goins, J. Sexton, Eldridge and Sparks as prime sponsors.

**House Bill No. 2190** Rep. Moody as prime sponsor.

**House Bill No. 2334** Reps. Hardaway, Gilmore, Favors, Akbari, Towns, Stewart, Camper and Armstrong as prime sponsors.

**House Bill No. 2442** Reps. Stewart, Akbari, Armstrong, Love, Powell, Towns, Camper and Turner as prime sponsors.

**House Bill No. 2443** Rep. Hardaway as prime sponsor.

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**House Bill No. 2575** Reps. Terry, Gravitt, Butt, Zachary, Byrd, Lynn, Moody, Dunn, Lollar, Sparks, Hicks, H. Brooks, Coley, Durham, Miller, Ragan, Powell, Dunlap, Wirgau, Eldridge, Howell, Faison, Lundberg, Carter, Goins, Forgety, Littleton, Kane, Johnson, Calfee, Favors, Windle, Alexander, T. Hill, Holt, Matheny, Pody, D. White, Halford, Williams, Sanderson and Todd as prime sponsors.

**SPONSORS REMOVED**

On Motion, Rep. Matlock was removed as sponsor of **House Bill No. 62**.

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to return to the House, SB1674 for further consideration

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill No. 2087; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 2087** -- Pigeon Forge - As introduced, creates seat designations for commissioners; allows voters to vote for one commissioner for each open, designated seat. - Amends TCA Section 6-20-101. by \*Overbey. (HB2124 by \*Carr )

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 575; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 575** -- Memorials, Recognition - Sam Houston statue in Maryville. by \*Overbey.

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 1469; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

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**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 425, 436, 447, 450, 460, 463, 536, 537, 538, 545, 546, 547, 548, 551, 552, 553 and 554; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 425** -- General Assembly, Confirmation of Appointment - Amy Gullion, education standards recommendation committee for English language arts and mathematics. by \*Ketron.

**\*Senate Joint Resolution No. 436** -- General Assembly, Confirmation of Appointment - Sharen Cypress, education standards recommendation committee for English language arts and mathematics. by \*Kelsey.

**\*Senate Joint Resolution No. 447** -- General Assembly, Confirmation of Appointment - Tracy Franklin, education standards recommendation committee for English language arts and mathematics. by \*McNally, \*Bell.

**\*Senate Joint Resolution No. 450** -- General Assembly, Confirmation of Appointment - Douglas Hungate, education standards recommendation committee for English language arts and mathematics. by \*Roberts, \*Southerland.

**\*Senate Joint Resolution No. 460** -- General Assembly, Statement of Intent or Position - Urges the development and implementation of additional specialized mental health crisis intervention training for law enforcement officers. by \*McNally.

**\*Senate Joint Resolution No. 463** -- General Assembly, Directed Studies - Directs TACIR to study compensation and reimbursement paid to members of general assembly. by \*Beavers.

**Senate Joint Resolution No. 536** -- Memorials, Recognition - Deputy Ethan Moss. by \*Green.

**Senate Joint Resolution No. 537** -- Memorials, Personal Achievement - Adam Randolph, Eagle Scout. by \*Roberts.

**Senate Joint Resolution No. 538** -- Memorials, Recognition - William D. McGillen. by \*Crowe.

**Senate Joint Resolution No. 545** -- Memorials, Retirement - Lieutenant Mike Smith. by \*Bailey.

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**Senate Joint Resolution No. 546** -- Memorials, Retirement - Wayne McClain. by \*Bailey.

**Senate Joint Resolution No. 547** -- Memorials, Professional Achievement - Ray Cutcher, 2015 Ranger of the Year. by \*Bailey.

**Senate Joint Resolution No. 548** -- Memorials, Retirement - Mike Broyles. by \*Bailey.

**Senate Joint Resolution No. 551** -- Memorials, Recognition - Hopewell Presbyterian Church, 200th anniversary. by \*Tracy.

**Senate Joint Resolution No. 552** -- Memorials, Death - Benjamin H. Ernst, Sr. by \*Ramsey.

**Senate Joint Resolution No. 553** -- Memorials, Recognition - Ty Detmer. by \*Gardenhire.

**Senate Joint Resolution No. 554** -- Memorials, Recognition - Madison Childers, 2016 Prudential Spirit of Community Award. by \*Ketron, \*Tracy.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Representative Favors was recognized in the Well to honor the National Coalition of 100 Black Women.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 660, adopted March 14, 2016.

**House Joint Resolution No. 660** -- Memorials, Recognition - National Coalition of 100 Black Women. by \*Favors.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the following resolution listed was introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 669** -- General Assembly, Confirmation of Appointment - Susan Bunch, state textbook and instructional materials quality commission. by \*Brooks H.

House Education Instruction & Programs Committee

**RESOLUTIONS**

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## **MONDAY, MARCH 14, 2016 – FORTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for March 17, 2016:

**House Resolution No. 184** -- Memorials, Interns - Timothy Blake Allred. by \*Brooks H.

**House Joint Resolution No. 673** -- Memorials, Recognition - Welcome Home Vietnam Veterans Day, March 29, 2016. by \*White D.

**House Joint Resolution No. 674** -- Memorials, Academic Achievement - Elaine Patel, Top Ten, Spring Hill High School. by \*Butt.

**House Joint Resolution No. 675** -- Memorials, Recognition - Commemorates World Autism Awareness Day, April 2, 2016. by \*Brooks K.

**House Joint Resolution No. 676** -- Memorials, Retirement - Gary Peters. by \*Keisling.

**House Joint Resolution No. 677** -- Memorials, Personal Achievement - Cheryl Brehm, 2015 Mrs. Tennessee America. by \*Casada, \*Sargent, \*Durham.

**House Joint Resolution No. 678** -- Memorials, Sports - Keenan Reynolds, Tennessean Sports Person of the Year. by \*Beck, \*Gilmore.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for March 17, 2016:

**Senate Joint Resolution No. 536** -- Memorials, Recognition - Deputy Ethan Moss. by \*Green.

**Senate Joint Resolution No. 537** -- Memorials, Personal Achievement - Adam Randolph, Eagle Scout. by \*Roberts.

**Senate Joint Resolution No. 538** -- Memorials, Recognition - William D. McGillen. by \*Crowe.

**Senate Joint Resolution No. 545** -- Memorials, Retirement - Lieutenant Mike Smith. by \*Bailey.

**Senate Joint Resolution No. 546** -- Memorials, Retirement - Wayne McClain. by \*Bailey.

**Senate Joint Resolution No. 547** -- Memorials, Professional Achievement - Ray Cutcher, 2015 Ranger of the Year. by \*Bailey.

**Senate Joint Resolution No. 548** -- Memorials, Retirement - Mike Broyles. by \*Bailey.

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**Senate Joint Resolution No. 551** -- Memorials, Recognition - Hopewell Presbyterian Church, 200th anniversary. by \*Tracy.

**Senate Joint Resolution No. 552** -- Memorials, Death - Benjamin H. Ernst, Sr. by \*Ramsey.

**Senate Joint Resolution No. 553** -- Memorials, Recognition - Ty Detmer. by \*Gardenhire.

**Senate Joint Resolution No. 554** -- Memorials, Recognition - Madison Childers, 2016 Prudential Spirit of Community Award. by \*Ketron, \*Tracy.

### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2648** -- Troy - As introduced, subject to local approval, decreases the number of required monthly meeting times of the board of mayor and aldermen, from two to one. - Amends Chapter 50 of the Private Acts of 1979. by \*Sanderson.

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2643** -- Copperhill -- House Local Government Committee

**House Bill No. 2644** -- Cookeville -- House Local Government Committee

**House Bill No. 2645** -- Jamestown -- House Local Government Committee

**House Bill No. 2646** -- Eagleville -- House Local Government Committee

**House Bill No. 2647** -- Rutherford County -- House Local Government Committee

### CONSENT CALENDAR

**House Bill No. 2417** -- Zoning - As introduced, increases number of members who may be elected to serve on boards of zoning appeals in certain counties and municipalities, as determined by local legislative bodies. - Amends TCA Section 13-7-106 and Section 13-7-205. by \*Lynn, \*White D.

On motion, House Bill No. 2417 was made to conform with **Senate Bill No. 2006**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 2124** -- Pigeon Forge - As introduced, creates seat designations for commissioners; allows voters to vote for one commissioner for each open, designated seat. - Amends TCA Section 6-20-101. by \*Carr .

On motion, House Bill No. 2124 was made to conform with **Senate Bill No. 2087**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1540** -- Solid Waste Disposal - As introduced, changes eligibility criteria for counties that receive rebates against the solid waste disposal tipping fee surcharge in lieu of a recycling equipment grant from the 11 highest waste generating counties to the five most populous counties. - Amends TCA Title 68, Chapter 211. by \*McCormick, \*Brooks K, \*Reedy.

**\*House Bill No. 2632** -- Hardeman County - As introduced, subject to local approval, authorizes collection of solid waste disposal fee with the county property tax; requires disposal fee to be distinguished from the property tax amount on the tax notice. by \*Shaw.

**\*House Bill No. 1917** -- Criminal Procedure - As introduced, changes from January 15 and July 15 to January 31 and July 31 the dates by which every professional bondsman licensed to do business in Tennessee must file with the court clerk a report of the bondsman's assets and liabilities. - Amends TCA Section 40-11-303. by \*Gravitt.

On motion, House Bill No. 1917 was made to conform with **Senate Bill No. 1892**; the Senate Bill was substituted for the House Bill.

**\*House Joint Resolution No. 516** -- General Assembly, Statement of Intent or Position - Expresses support for the storage of gold and precious metal bullion and coins in a Tennessee bullion depository. by \*Hulsey.

**\*House Bill No. 2637** -- Millington - As introduced, subject to local approval, staggers terms of office for aldermen; moves the date of city elections for mayor and aldermen to coincide with the November general elections; repeals requirement that the board of mayor and aldermen appoint a personnel board. - Amends Chapter 238 of the Acts of 1903; as amended and rewritten. by \*Lollar, \*Cooper.

**\*House Bill No. 2004** -- Welfare - As introduced, clarifies and adds to certain reporting and rulemaking functions of the commission on aging and disability. - Amends TCA Section 71-2-104 and Section 71-2-105. by \*Kumar.

On motion, House Bill No. 2004 was made to conform with **Senate Bill No. 1936**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1556** -- Tourist Development, Dept. of - As introduced, transfers primary administrative responsibilities for the Tennessee Adventure Tourism and Development Act of 2011 from the department of economic and community development to the department of tourist development. - Amends TCA Title 11, Chapter 11. by \*McCormick, \*Brooks K, \*Howell.

**\*House Joint Resolution No. 291** -- Memorials, Congress - Urges Congress to reform federal requirements on high school graduation rates to reinstitute state control. by \*Byrd.



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**\*House Bill No. 1439** -- County Government - As introduced, allows removal of overgrown vegetation and accumulated debris on owner-occupied residential property in Putnam County. - Amends TCA Section 5-1-115. by \*Williams.

On motion, House Bill No. 1439 was made to conform with **Senate Bill No. 1462**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2556** -- Employees, Employers - As introduced, requires the department of labor and workforce development to submit a report to each member of the general assembly of the total number of final orders issued pursuant to the Tennessee Lawful Employment Act, and prohibited employment contract activity, by December 1 of each year. - Amends TCA Title 12, Chapter 3 and Title 50. by \*Durham, \*Holt, \*Sargent.

**\*House Bill No. 1858** -- Murfreesboro - As introduced, subject to local approval, reduces the number of readings required for adoption of ordinances by the city council, from three to two. - Amends Chapter 429 of the Private Acts of 1931; as amended. by \*White D.

**House Bill No. 2628** -- Gibson County - As introduced, subject to local approval, removes term limits for commissioners of the Gibson County utility district taking office September 1, 2002. - Amends Chapter 192 of the Private Acts of 1953; as amended. by \*Halford.

**\*House Bill No. 1686** -- Bonds and Undertakings, Regulation of - As introduced, requires that bonds issued by the state funding board be sold in such manner and at such times as may be approved by the board rather than requiring those bonds to be sold at public sale or, at the discretion of the board and until June 30, 2016, at private sale; deletes provisions requiring the board to report periodically to the finance committees of the general assembly as to the terms and method of sale of bonds sold until June 30, 2016. - Amends TCA Section 9-9-205. by \*McManus.

**\*House Bill No. 2080** -- Public Records - As introduced, specifies the form in which a request to redact or remove a military discharge record from the county register of deeds may be made; makes other related changes. - Amends TCA Section 4-4-125 and Title 10, Chapter 7, Part 5. by \*Dunn.

On motion, House Bill No. 2080 was made to conform with **Senate Bill No. 2034**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 181** -- Memorials, Recognition - Amelia's Closet. by \*White D.

**House Resolution No. 182** -- Memorials, Recognition - Thanks members of the State Capitol Commission for their past support of diversity in historic displays in the state capitol. by \*Powell, \*Turner, \*Gilmore, \*Cooper, \*Favors, \*Love, \*Armstrong, \*Camper, \*Miller, \*Shaw, \*Towns, \*Akbari, \*Hardaway, \*Jones, \*Parkinson.

**House Resolution No. 183** -- Memorials, Interns - Lauren Ashley Hackett. by \*Swann, \*Marsh.

**House Joint Resolution No. 658** -- Memorials, Recognition - Delta Sigma Theta. by \*Turner, \*Gilmore.

**House Joint Resolution No. 659** -- Memorials, Heroism - James M. "Buddy" Taylor, World War II veteran. by \*Jenkins.

**House Joint Resolution No. 660** -- Memorials, Recognition - National Coalition of 100 Black Women. by \*Favors.

**House Joint Resolution No. 667** -- Memorials, Academic Achievement - Courtney Elizabeth Sloan, Salutatorian, Ooltewah High School. by \*Carter.

**House Joint Resolution No. 668** -- Memorials, Academic Achievement - Nicholas Aaron Wilkins, Valedictorian, Ooltewah High School. by \*Carter.

**House Joint Resolution No. 671** -- Memorials, Personal Occasion - Sister Sandra Smithson, 90th birthday. by \*Gilmore.

**House Joint Resolution No. 672** -- Memorials, Death - John D. Graham. by \*Eldridge.

### **OBJECTION--CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

**House Bill No. 2556:** by Rep. Stewart

Under the rules, House Bill No. 2556 was placed at the heel of the calendar for March 17, 2016.

Rep. Jenkins moved that all members voting aye on House Joint Resolution No. 659 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Favors moved that all members voting aye on House Joint Resolution No. 660 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Gilmore moved that all members voting aye on House Joint Resolution No. 671 be added as co-prime sponsors with the Davidson County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes.....	0

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Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. McDaniel voted "aye" on the **Consent Calendar**

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Consent Calendar** and have this statement entered in the Journal: Rep. Howell.

### REGULAR CALENDAR

**\*Senate Bill No. 1811** -- Election Laws - As introduced, excludes residents of correctional institutions from being considered in reapportionment. - Amends TCA Title 5 and Title 41. by \*Haile, \*Yager. (HB2053 by \*Weaver, \*Todd)

Further consideration of Senate Bill No. 1811, previously considered on March 7, 2016, at which time the House substituted the Senate Bill for the House Bill, and it was reset for today's Calendar.

### BILL RE-REFERRED

Rep. Weaver moved that **Senate Bill No. 1811** be re-referred to the Local Government Subcommittee, which motion prevailed.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2575** -- Handgun Permits - As introduced, makes various changes to handgun carry permits, including extending permit renewals to occur every eight years and lowering the initial application fee from \$115 to \$100. - Amends TCA Section 39-17-1351. by \*McCormick, \*Brooks K, \*McDaniel, \*Lamberth, \*Sargent. (SB2566 by \*Norris, \*Niceley, \*Gresham, \*Stevens)

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Rep. McDaniel moved that **House Bill No. 2575** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes.....	7
Present and not voting.....	2

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Swann, Terry, Todd, Towns, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 85

Representatives voting no were: Armstrong, Clemmons, Hardaway, Jones, Mitchell, Stewart, Turner -- 7

Representatives present and not voting were: Akbari, Camper -- 2

A motion to reconsider was tabled.

**\*House Bill No. 779** -- Municipal Government - As introduced, abolishes deannexation by ordinance; requires the reallocation of certain municipal highway funds if a municipality deannexes city roadways; revises various other provisions governing deannexation. - Amends TCA Title 6, Chapter 51 and Title 54. by \*Carter, \*VanHuss, \*McManus, \*Sparks, \*Lollar, \*White M, \*Spivey, \*Sexton C, \*Hill M, \*Holt, \*Hill T, \*Moody, \*Kane, \*Todd, \*Travis, \*Zachary. (SB749 by \*Watson, \*Kelsey, \*Tate, \*Gardenhire, \*Green, \*Massey)

Rep. Carter moved that House Bill No. 779 be passed on third and final consideration.

Rep. Wirgau moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 779 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-4-203, is amended by adding the following subsection:

(d)

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(1) With respect to any streets or roads deannexed by a municipality on or after May 1, 1998, the municipality shall submit a map of the deannexed streets or roads to the commissioner of finance and administration within six (6) months of the effective date of this act. Within one (1) year of the submission, in order to equitably reflect those changes to the municipality's boundaries, the commissioner shall appropriately revise and reallocate any funding distributed to the municipality or county for improvement or maintenance of streets or roads.

(2) Prior to any reallocation of funds pursuant to subdivision (d)(1), a municipality may by a two-thirds (2/3) vote of its legislative body rescind the deannexation of the street or road; provided, however, such rescindment must be accomplished within six (6) months of the effective date of this act.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 51, Part 2, is amended by adding the following language as a new section:

No municipality shall, pursuant to § 6-51-201, deannex territory containing a street, highway, avenue, boulevard, publicly owned right-of-way, bridge, tunnel, public parking area, or any other public way dedicated to public use and maintained for general public travel without approval by a two-thirds (2/3) vote of the county legislative body.

SECTION 3. Tennessee Code Annotated, Section 6-51-201, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any incorporated municipality, whether it was incorporated by general or special act, may contract its limits within any given territory; provided, that it is approved by a majority of the registered voters in an election held in accordance with § 6-51-202.

(b)

(1) Ten percent (10%) of the registered voters who reside in a territory previously annexed by ordinance upon the initiative of the municipality that became operative or effective on or after May 1, 1998, may petition the county election commission to hold an election to deannex such residential territory. The petition shall include a copy of the ordinance, which includes the map of the plat seeking deannexation. The map shall be the same map the municipality used to annex the residential territory. No additions or deletions from the original map used by the municipality are permitted; provided, however, prior to the election, any commercial or industrial properties located within the territory may be excluded from the proposed deannexation by resolution of the municipal legislative body.

(2) In order to be considered at the next scheduled citywide or countywide election, primary, or referendum, a petition for deannexation pursuant to subdivision (b)(1) must be filed with the county election commission not less than seventy-five (75) days before such election, primary, or referendum. Upon receipt of the petition, the county election commission shall notify the municipality and hold an election to coincide with the next citywide or countywide election, primary, or referendum that is scheduled not less than seventy-five (75) days after the petition for deannexation is filed with the county election commission. The municipality shall determine the debt amount pursuant to § 6-51-204(a) not less than thirty (30) days prior to the election. The county election commission shall hold an election only for the registered voters residing within the plat set forth in the map submitted to the county election commission pursuant to subdivision (b)(1). The county election commission shall submit to the voters the question of "For Deannexation" or "Against Deannexation". If a majority of voters approve the deannexation, the deannexation of the territory shall become operative thirty (30) days after the date that the county election commission makes its official canvass of the election returns, and the territory shall not be subject to annexation by the municipality. If a majority of the voters fail to approve the deannexation, then the county election commission shall file the certificate of the result with the county clerk, and no further election may be held for the territory pursuant to this subsection (b).

(3) The general assembly finds the citizens in the following affected cities have experienced the most egregious forms of annexation and have no other reasonable course to redress their grievance other than to petition for a vote. Therefore, this subsection (b) applies only to cities with a population according to the 2010 federal census or any subsequent census of:

(A) Not less than one thousand one hundred ninety (1,190) nor more than one thousand one hundred ninety-nine (1,199) that is located inside a county having a population of not less than thirty thousand six hundred (30,600) nor more than thirty thousand seven hundred (30,700);

(B) Not less than forty-eight thousand (48,000) nor more than forty-eight thousand five hundred (48,500) that is situated in two (2) or more counties;

(C) Not less than sixty-three thousand one hundred (63,100) nor more than sixty-three thousand two hundred (63,200) that is situated in two (2) or more counties;

(D) Not less than one hundred sixty-seven thousand five hundred (167,500) nor more than one hundred sixty-eight thousand (168,000) that is located inside a county having a population of not less than three hundred thirty-six thousand four

hundred (336,400) nor more than three hundred thirty-six thousand five hundred (336,500);

(E) Not less than one hundred seventy-eight thousand five hundred (178,500) nor more than one hundred seventy-nine thousand (179,000) that is located inside a county having a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300); and

(F) Not less than six hundred forty thousand (640,000) that is located inside a county having a population of not less than nine hundred thousand (900,000).

(4) This subsection (b) is repealed on July 1, 2019.

SECTION 4. Tennessee Code Annotated, Section 6-51-202, is amended by deleting the section in its entirety and substituting instead:

The election provided for in § 6-51-201 shall be held under the provisions of a resolution to be passed for that purpose. A full report of the election shall be spread upon the minutes of the board, if a majority of the voters assent to the contraction, and shall fully set forth the metes and bounds of the territory to be excluded.

SECTION 5. Tennessee Code Annotated, Section 6-51-204(a), is amended by deleting the subsection and substituting instead:

(a)

(1) Except for responsibility for general obligation debt issued during the annexed period, all municipal jurisdiction shall cease over the territory excluded from the municipality's corporate limits on the date of certification of the results of the election. The municipality may continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of general obligation debt issued during the annexed period.

(2) For purposes of this subsection (a):

(A) "Annexed period" is the period beginning on the first date of annexation of any portion of the proposed territory for deannexation and ending on the date of certification of election results that favor the surrender of the territory;

(B) "General obligation debt" means the bonds and capital obligations that are directly secured by the municipality's unlimited taxing power, excluding indirect general obligation guarantees,

and issued during the annexed period, as represented in the municipality's comprehensive annual financial reports. "General obligation debt" does not include any refinancing of refunding of debt issued prior to the annexed period; and

(C) "Proportion" means the percentage of the municipality's tax base that the excluded territory represents at the time of deannexation.

SECTION 6. Tennessee Code Annotated, Section 6-51-104(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) A municipality may by resolution propose annexation of territory that does not adjoin the boundary of the main part of the municipality, without extending the corporate limits of that territory, if the territory proposed for annexation is entirely contained within the municipality's urban growth boundary and is either:

(A) Utilized for industrial or commercial purpose or residential development; or

(B) Owned by one (1) or more governmental entities.

(2) A resolution under this subsection (d) shall be ratified only with the written consent of the property owner or owners.

(3) For purposes of this subsection (d), the boundary of the main part of the municipality is defined as the corporate limits of the territory containing its town seat or city hall. Territory that does not adjoin that boundary before a proposal to annex it is introduced cannot be annexed except as provided in this subsection (d).

(4) The resolution shall include the plan of services adopted under § 6-51-102. The plan shall be prepared by the municipality in cooperation with the county in which the territory is located. The municipality and county shall enter into an interlocal agreement pursuant to § 5-1-113 to provide emergency services for any interceding properties and to maintain roads and bridges comprising the primary route to the area thus annexed as the municipality and county deem necessary.

SECTION 7. If any provision of this act or its application to any person or circumstance is held invalid, then all provisions and applications of this act shall be invalid and void.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.



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On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Van Huss moved adoption of House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 779 by deleting subdivision (b)(3)(C) in Section 3 and redesignating the remaining subdivisions.

On motion, House Amendment No. 3 was adopted.

Rep. Towns moved adoption of House Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 779 by adding the word "and" to the end of subdivision (b)(3)(D) in SECTION 3.

**AND FURTHER AMEND** by deleting the language "; and" at the end of subdivision (b)(3)(E) in SECTION 3 and substituting instead a period ".".

**AND FURTHER AMEND** by deleting subdivision (b)(3)(F) in SECTION 3.

Rep. Carter moved that House Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes .....	69
Noes.....	25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 69

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

Rep. Towns requested that House Amendment No. 5 be placed after House Amendment No. 10.

Rep. Towns requested that House Amendment No. 6 be placed after House Amendment No. 10.

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Rep. Towns requested that House Amendment No. 7 be placed after House Amendment No. 10.

Rep. Towns requested that House Amendment No. 8 be placed after House Amendment No. 10.

Rep. Fitzhugh requested that House Amendment No. 9 be placed after House Amendment No. 10.

Rep. Fitzhugh moved adoption of House Amendment No. 10 as follows:

**Amendment No. 10**

AMEND House Bill No. 779 by adding the word "property" directly after the word "municipality's" in subdivision (a)(2)(C) in SECTION 5.

On motion, House Amendment No. 10 was adopted.

Rep. Towns moved adoption of House Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 779 by deleting the language "Ten percent (10%)" in subdivision (b)(1) of SECTION 3 and substituting instead "Fifty percent (50%)".

Rep. Carter moved that House Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 70

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

Rep. Towns requested that House Amendment No. 6 be placed at the heel of the amendments.

Rep. Towns moved adoption of House Amendment No. 7 as follows:

**Amendment No. 7**

AMEND House Bill No. 779 by deleting the language "Ten percent (10%)" in subdivision (b)(1) of SECTION 3 and substituting instead "Forty percent (40%)".

Rep. Carter moved that House Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes ..... 71  
Noes..... 24

Representatives voting aye were: Alexander, Armstrong, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 71

Representatives voting no were: Akbari, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 24

Rep. Towns moved adoption of House Amendment No. 8 as follows:

**Amendment No. 8**

AMEND House Bill No. 779 by deleting in subdivision (b)(1) of SECTION 3 the language "that became operative or effective on or after May 1, 1998,".

**AND FURTHER AMEND** by deleting subdivision (b)(4) in SECTION 3 and substituting instead the following:

(4) This subsection (b) shall not affect or be retroactive to any annexation that became effective or operative more than five (5) years before the effective date of this act.

(5) This subsection (b) is repealed on July 1, 2019.

Rep. Carter moved that House Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes ..... 70  
Noes..... 25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey,

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Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 70

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

Rep. Fitzhugh moved adoption of House Amendment No. 9 as follows:

**Amendment No. 9**

AMEND House Bill No. 779 by deleting subdivisions (a)(2)(B) and (C) in SECTION 5 and substituting instead the following:

(B) "General obligation debt" means the bonds and capital obligations that are directly secured by the municipality's unlimited taxing power and issued during the annexed period, as represented in the municipality's comprehensive annual financial reports; and

(C) "Proportion" means the percentage of the municipality's property tax base that the excluded territory represents at the time of deannexation.

Rep. Carter moved that House Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes .....	67
Noes.....	27

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary -- 67

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, McDaniel, Miller, Mitchell, Parkinson, Pitts, Powell, Sanderson, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 27

Rep. Akbari moved adoption of House Amendment No. 11 as follows:

**Amendment No. 11**

AMEND House Bill No. 779 by deleting the following language in subdivision (b)(3) in SECTION 3:

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The general assembly finds the citizens in the following affected cities have experienced the most egregious forms of annexation and have no other reasonable course to redress their grievance other than to petition for a vote. Therefore, this subsection (b) applies only to cities with a population according to the 2010 federal census or any subsequent census of:

and substituting instead the following:

This subsection (b) applies only to cities with a population according to the 2010 federal census or any subsequent census of:

Rep. Carter moved that House Amendment No. 11 be tabled, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary -- 70

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

Rep. Miller moved adoption of House Amendment No. 12 as follows:

**Amendment No. 12**

AMEND House Bill No. 779 by deleting the first sentence of subdivision (b)(1) in SECTION 3 and substituting instead the following:

On or after June 1, 2018, ten percent (10%) of the registered voters who reside in a territory previously annexed by ordinance upon the initiative of the municipality that became operative or effective on or after May 1, 1998, may petition the county election commission to hold an election to deannex such residential territory.

Rep. Carter moved that House Amendment No. 12 be tabled, which motion prevailed by the following vote:

Ayes .....	63
Noes.....	31

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Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Calfee, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McManus, Moody, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Zachary -- 63

Representatives voting no were: Akbari, Armstrong, Beck, Byrd, Camper, Carr, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, McDaniel, Miller, Mitchell, Parkinson, Pitts, Pody, Powell, Sanderson, Shaw, Shepard, Stewart, Towns, Turner, Windle, Wirgau -- 31

Rep. Stewart moved adoption of House Amendment No. 13 as follows:

**Amendment No. 13**

AMEND House Bill No. 779 by deleting subdivision (b)(3)(D) in SECTION 3 and renumbering the subsequent subdivisions accordingly.

Rep. Carter moved that House Amendment No. 13 be tabled, which motion prevailed by the following vote:

Ayes .....	69
Noes.....	25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 69

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

Rep. Stewart moved adoption of House Amendment No. 14 as follows:

**Amendment No. 14**

AMEND House Bill No. 779 by inserting the following language before the final sentence of subdivision (b)(2) in SECTION 3:

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The territory deannexed shall not incorporate as a separate municipality nor be annexed by another municipality for five (5) years following the deannexation.

Rep. Carter moved that House Amendment No. 14 be tabled, which motion prevailed by the following vote:

Ayes ..... 71  
Noes..... 25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 71

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

Rep. Camper moved that the House consider House Amendment No. 15 to House Bill No. 779, which motion failed by the following vote:

Ayes ..... 27  
Noes..... 66

Representatives voting aye were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Lamberth, Love, McDaniel, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 27

Representatives voting no were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 66

Rep. Armstrong moved that the House consider House Amendment No. 16 to House Bill No. 779, which motion failed by the following vote:

Ayes ..... 26  
Noes..... 70

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Representatives voting aye were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Smith, Stewart, Towns, Turner, Windle -- 26

Representatives voting no were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 70

Rep. Fitzhugh moved that the House consider House Amendment No. 17 to House Bill No. 779, which motion failed by the following vote:

Ayes .....	27
Noes .....	69

Representatives voting aye were: Akbari, Armstrong, Beck, Camper, Carr, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Hazlewood, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 27

Representatives voting no were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 69

Rep. Towns moved adoption of House Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 779 by deleting the language "Ten percent (10%)" in subdivision (b)(1) of SECTION 3 and substituting instead "Two-thirds (2/3)".

Rep. Carter moved that House Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	68
Noes .....	26

Representatives voting aye were: Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Reedy, Rogers, Sanderson,



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Representatives voting no were: Akbari, Alexander, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 26

**CHAIR TO JOHNSON**

Madam Speaker Harwell relinquished the Chair to Rep. Johnson, Speaker Pro Tempore.

**CHAIR TO SPEAKER**

Madam Speaker Harwell resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Rep. Fitzhugh moved that the House limit debate to two minutes under Rule No. 21, which motion prevailed.

Rep. Doss moved the previous question, which motion prevailed by the following vote:

Ayes ..... 65  
Noes..... 24

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunlap, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 65

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shepard, Stewart, Towns, Turner, Van Huss, Windle -- 24

Rep. Carter moved that **House Bill No. 779**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 68  
Noes..... 25

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Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Casada, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary -- 68

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Carr, Clemmons, Cooper, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, McDaniel, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner -- 25

A motion to reconsider was tabled.

**\*House Bill No. 1786** -- Alcoholic Beverages - As introduced, allows licensed wineries and farm wine producers to label and advertise wine made from apples as cider, apple cider, or hard cider. - Amends TCA Section 57-3-207. by \*Carr . (SB1784 by \*Overbey)

On motion, House Bill No. 1786 was made to conform with **Senate Bill No. 1784**; the Senate Bill was substituted for the House Bill.

Rep. Carr moved that Senate Bill No. 1784 be passed on third and final consideration.

Rep. Ramsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Carr moved that **Senate Bill No. 1784** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes.....	4
Present and not voting.....	3

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Shepard, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Madam Speaker Harwell -- 87

Representatives voting no were: Holt, Sexton J., Windle, Zachary -- 4

Representatives present and not voting were: Dunlap, Smith, Sparks -- 3

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 1784** and have this statement entered in the Journal: Rep. Lollar.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "present and not voting" on **Senate Bill No. 1784** and have this statement entered in the Journal: Rep. Pody.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2123** -- Alcoholic Beverages - As introduced, prohibits construction or operation of any licensed manufacturer within 1,000 feet of the state right-of-way of U.S. Highway 441 in Pigeon Forge. - Amends TCA Title 57, Chapter 2 and Title 57, Chapter 3. by \*Carr . (SB2086 by \*Overbey, \*Ketron)

On motion, House Bill No. 2123 was made to conform with **Senate Bill No. 2086**; the Senate Bill was substituted for the House Bill.

Rep. Carr moved that Senate Bill No. 2086 be passed on third and final consideration.

Rep. Ramsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Wirgau moved the previous question, which motion prevailed.

Rep. Carr moved that **Senate Bill No. 2086** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	71
Noes.....	13
Present and not voting.....	3

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Byrd, Calfee, Camper, Carr, Carter, Casada, Coley, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gilmore, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Matheny, McDaniel, McManus, Miller, Moody, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Swann, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 71

Representatives voting no were: Clemmons, Cooper, Daniel, Dunlap, Goins, Hardaway, Holt, Jones, Marsh, Matlock, Mitchell, Stewart, Turner -- 13

Representatives present and not voting were: Alexander, McCormick, Pody -- 3

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A motion to reconsider was tabled.

**House Bill No. 985** -- County Government - As introduced, disqualifies any county government employee from serving as a member of the county legislative body; exempts current members of the county legislative body. - Amends TCA Title 2; Title 5; Title 6; Title 7; Title 8 and Title 12. by \*Rogers, \*Ragan, \*Keisling, \*Sexton J, \*Weaver, \*Holt, \*Matlock, \*Reedy, \*Casada, \*Wirgau, \*Howell, \*Parkinson. (\*SB466 by \*Bell)

Rep. Rogers moved that House Bill No. 985 be passed on third and final consideration.

Rep. Wirgau moved adoption of Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 985 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-5-102(c), is amended by deleting subdivision (3) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 5, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) No member of the legislative body of a county who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which such member has a conflict of interest. A conflict of interest is created under this section when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse. The vote of any member having a conflict of interest shall be void if challenged in a timely manner. As used in this subsection (a), "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(b) Subsection (a) shall not prohibit a member of a local governing body of a county from voting on the budget, appropriation resolution, or tax rate resolution, or amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which the member has a conflict of interest.

(c) Any member of a local governing body of a county who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote. This subsection (c) shall not apply to any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census.

(d) Nothing in this section alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this section and § 12-4-101(a), § 12-4-101(a) shall prevail.

SECTION 3. Tennessee Code Annotated, Section 6-20-205, is amended by deleting subsection (b) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 6-54-107, is amended by deleting subsection (c) and substituting instead the following:

(1) Any member of a local governing body of a municipality who is also an employee of the same municipality may vote on matters in which such member has a conflict of interest if the member informs the governing body immediately prior to the vote as follows:

"Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents."

(2) In the event a member of a local governing body of a municipality has a conflict of interest in a matter to be voted upon by the body, the member may abstain for cause by announcing such to the presiding officer. Any member of a local governing body of a municipality who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote.

(3) The vote of any person having a conflict of interest who does not inform the governing body of such conflict as provided in subdivision (c)(1) shall be void if challenged in a timely manner. As used in this subdivision (c)(3), "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(4) Nothing in this subsection (c) alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this subsection (c) and § 12-4-101(a), § 12-4-101(a) shall prevail.

SECTION 5. Tennessee Code Annotated, Section 12-4-101, is amended by deleting subsection (c) in its entirety.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Local Government Committee Amendment No. 1 was adopted.

Rep. Rogers moved that **House Bill No. 985**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 88

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Noes..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Spivey, Stewart, Swann, Terry, Todd, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 88

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**House Bill No. 2131** -- Firearms and Ammunition - As introduced, prohibits public postsecondary institutions from taking any adverse action against an employee or student as a result of such person's lawful transportation and storage of a firearm or ammunition in the person's parked motor vehicle. - Amends TCA Title 39, Chapter 17, Part 13 and Title 49, Chapter 7, Part 1. by \*Rogers, \*Byrd. (\*SB1991 by \*Kelsey, \*Stevens, \*Bailey, \*Bowling, \*Gresham)

On motion, House Bill No. 2131 was made to conform with **Senate Bill No. 1991**; the Senate Bill was substituted for the House Bill.

Rep. Rogers moved that Senate Bill No. 1991 be passed on third and final consideration.

Rep. Lundberg moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1991 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new, appropriately designated section:

No public postsecondary institution shall take any adverse or disciplinary action against an employee or student of the postsecondary institution solely for such person's transportation and storage of a firearm or firearm ammunition in compliance with § 39-17-1313 while on or using a parking area located on property owned, used, or operated by the postsecondary institution.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. McCormick moved the previous question, which motion prevailed by the following vote:

Ayes .....	67
Noes .....	22

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunlap, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sparks, Spivey, Swann, Terry, Todd, Travis, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 67

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunn, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Powell, Shaw, Shepard, Stewart, Towns, Turner -- 22

Rep. Rogers moved that **Senate Bill No. 1991**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes .....	17

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Goins, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shepard, Smith, Sparks, Spivey, Swann, Terry, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Beck, Clemmons, Cooper, Favors, Gilmore, Hardaway, Jones, Love, Miller, Mitchell, Pitts, Powell, Shaw, Stewart, Towns, Turner -- 17

A motion to reconsider was tabled.

**\*House Bill No. 1631** -- Consumer Protection - As introduced, redefines the time period within which a business must notify a consumer if the consumer's personal information that was held by the business was obtained by an unauthorized person from immediate notification to no later than 14 days; includes employees of the business who use the information in an unlawful manner as unauthorized persons, thus triggering the notice requirements. - Amends TCA Title 47. by \*Rogers. (SB2005 by \*Ketron, \*Gresham)

On motion, House Bill No. 1631 was made to conform with **Senate Bill No. 2005**; the Senate Bill was substituted for the House Bill.

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Rep. Rogers moved that Senate Bill No. 2005 be passed on third and final consideration.

Rep. Eldridge moved that Consumer and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

**JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Rep. Kumar voted "aye" on **Senate Bill No. 1991**.

**REGULAR CALENDAR, CONTINUED**

Rep. Rogers moved that **Senate Bill No. 2005** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Travis, Turner, Van Huss, Weaver, White D., White M., Windle, Wirgau, Zachary, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Faison

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2334** -- Labor and Workforce Development, Dept. of - As introduced, encourages the department to study and develop a model program to provide financial incentives to businesses who hire persons convicted of felonies and under which the employee would remit to the department an amount from each paycheck during the period of participation in the program. - Amends TCA Title 4; Title 41 and Title 50. by \*Shaw, \*Pitts, \*Miller. (\*SB2037 by \*Harris)

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Rep. Shaw moved that House Bill No. 2334 be passed on third and final consideration.

Rep. Eldridge moved adoption of Consumer and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2334 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. The department of labor and workforce development shall, no later than February 1, 2017, report to the governor and the general assembly on existing pilot programs that focus on work programs for the successful reentry of individuals to the workforce who have been convicted of a felony. The report shall include any findings or recommendations of the department of labor and workforce development. The department of correction shall provide consultation at the request of the department of labor and workforce development for the purpose of preparing the report.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Consumer and Human Resources Committee Amendment No. 1 was adopted.

Rep. Shaw moved that **House Bill No. 2334**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**House Bill No. 1681** -- Education - As introduced, revises the investigative and reporting responsibilities of the office of research and education accountability in the office of the comptroller and makes other changes concerning the collection and reporting of data related to education. - Amends TCA Title 4, Chapter 3; Title 10, Chapter 7; Section 49-1-106; Section

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49-1-107; Section 49-1-302; Section 49-1-613; Section 49-1-908; Section 49-4-903; Section 49-6-109 and Section 49-6-4216. by \*Moody. (\*SB1638 by \*Gresham)

On motion, House Bill No. 1681 was made to conform with **Senate Bill No. 1638**; the Senate Bill was substituted for the House Bill.

Rep. Moody moved that **Senate Bill No. 1638** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell  
-- 90

A motion to reconsider was tabled.

**\*House Bill No. 2054** -- Safety - As introduced, authorizes certain entities to stock epinephrine auto-injectors on their premises; authorizes employees, agents, and laypersons to provide or administer an epinephrine auto-injector under certain circumstances. - Amends TCA Title 38 and Title 68, Chapter 140. by \*Kumar, \*Sexton C, \*Williams, \*Littleton, \*Hill M, \*Favors. (SB1989 by \*Green, \*Haile, \*Roberts, \*Ketrn)

On motion, House Bill No. 2054 was made to conform with **Senate Bill No. 1989**; the Senate Bill was substituted for the House Bill.

Rep. Kumar moved that Senate Bill No. 1989 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1989 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the

house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Kumar moved that **Senate Bill No. 1989**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

**\*House Bill No. 2568** -- Insurance Companies, Agents, Brokers, Policies - As introduced, revises various provisions regarding accreditation and reinsurance of insurance companies. - Amends TCA Title 56, Chapter 11; Title 56, Chapter 2; Title 56, Chapter 22 and Title 56, Chapter 45. by \*McCormick, \*Brooks K, \*Travis. (SB2532 by \*Norris, \*Tracy)

Rep. Travis moved that **House Bill No. 2568** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore,

Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**\*House Bill No. 2190** -- Schools, Home - As introduced, requires schools to provide notice on their web sites of the date of the school's administration of the AP and PSAT/NMSQT examinations, the availability of such examinations, any financial assistance for low income students, and schools where a home school student may take the AP and PSAT/NMSQT examinations. - Amends TCA Title 49, Chapter 6, Part 30. by \*Matheny. (SB2392 by \*Bell)

Rep. Matheny moved that House Bill No. 2190 be passed on third and final consideration.

Rep. Forgety moved that Education Instruction & Programs Committee Amendment No. 1 be withdrawn.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2190 by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 49-6-3050, is amended by adding the following language as a new subsection:

(f)

(1) As used in this subsection:

(A) "AP" means the advanced placement program offered by the College Board; and

(B) "PSAT/NMSQT" means the Preliminary SAT/National Merit Scholarship Qualifying Test administered by the College Board and National Merit Scholarship Corporation.

(2) Each public school that administers the AP and PSAT/NMSQT examinations shall provide notice of the dates on which the school will administer the examinations on the school's web site. The notice shall include:

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(A) The availability of AP and PSAT/NMSQT examinations; and

(B) The availability of outside financial assistance to low-income and needy students to take the AP and PSAT/NMSQT examinations.

(3) Home school students shall be permitted to take the AP and PSAT/NMSQT examinations at any public school offering such examinations.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Instruction & Programs Committee Amendment No. 1 was adopted.

Rep. Matheny moved that **House Bill No. 2190**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

**House Bill No. 2347** -- Public Records - As introduced, requires a local government entity to make records of proposals and statements that are received by the local government in response to a service request or a request for solicitation open for public inspection only after the contract award is announced. - Amends TCA Section 10-7-504. by \*Calfee. (\*SB1742 by \*Yager)

On motion, House Bill No. 2347 was made to conform with **Senate Bill No. 1742**; the Senate Bill was substituted for the House Bill.

Rep. Calfee moved that **Senate Bill No. 1742** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

**\*House Bill No. 2442** -- State Employees - As introduced, prohibits a state employer from inquiring about an applicant's criminal history on an initial application form for employment under certain circumstances. - Amends TCA Title 8, Chapter 50, Part 1. by \*Gilmore, \*Favors, \*Shaw, \*Hardaway. (SB2440 by \*Kyle, \*Harris)

On motion, House Bill No. 2442 was made to conform with **Senate Bill No. 2440**; the Senate Bill was substituted for the House Bill.

Rep. Gilmore moved that Senate Bill No. 2440 be passed on third and final consideration.

Rep. Ramsey moved adoption of State Government Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND Senate Bill No. 2440 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding the following language as a new section:

(a) If an employer announces a position for employment that is a covered position, the announcement shall include the following statement:

#### **NOTICE**

**This position requires a criminal background check. Therefore, you may be required to provide information about your criminal history in order to be considered for this position.**

(b) If an employer announces a position for employment that is not a covered position, the employer shall not inquire about an applicant's criminal history on the initial application form. An employer may inquire about an applicant's criminal history after the initial screening of applications. If an employer inquires about an applicant's criminal history, the employer shall provide the applicant with an opportunity to provide an explanation of the applicant's criminal history to the employer.

(c) In considering an applicant with a criminal history for a position for employment other than a covered position, an employer shall consider:

(1) The specific duties and responsibilities of the position;

(2) The bearing, if any, that an applicant's criminal history may have on the applicant's fitness or ability to perform the duties required by the position;

(3) The amount of time that has elapsed since the applicant's conviction or release;

(4) The age of the applicant at the time of the commission of each offense;

(5) The frequency and seriousness of each offense;

(6) Any information produced by the applicant regarding the applicant's rehabilitation and good conduct since the occurrence of an offense; and

(7) Any public policy considerations with respect to the benefits of employment for applicants with criminal histories.

(d) Except as otherwise required or expressly permitted by state or federal law, a criminal history obtained by an employer shall be confidential and not subject to the open records law, compiled in title 10, chapter 7.

(e) An employer shall be held harmless and not liable for any damages arising from the employer's failure or refusal to hire an applicant for any covered position or other position based on information obtained by the employer from an inquiry into the criminal history of the applicant.

(f) As used in this section, unless the context otherwise requires:

(1) "Covered position" means a position for employment for which a criminal background check is required under federal law or for which the commission of an offense is a disqualifying event for employment under federal or state law; and

(2) "Employer":

(A) Means the state and any agency, authority, branch, bureau, commission, corporation, department, or instrumentality of the state; and

(B) Does not include a contractor, subcontractor, a political subdivision of the state, the department of education, the state board of education, or the Tennessee bureau of investigation.

SECTION 2. Employers are not required to replace existing application forms in circulation after the effective date of this act for the purpose of ensuring that the application forms comply with Section 1 of this act until all existing application forms are exhausted.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved the previous question, which motion prevailed.

Rep. Gilmore moved that **Senate Bill No. 2440**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	69
Noes.....	24

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Brooks K., Byrd, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Gravitt, Halford, Hardaway, Hazlewood, Hicks, Hill T., Holsclaw, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Lollar, Love, Lynn, Marsh, Matheny, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Ramsey, Rogers, Sanderson, Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Towns, Turner, Weaver, White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 69

Representatives voting no were: Alexander, Calfee, Durham, Goins, Hawk, Hill M., Holt, Howell, Kumar, Lamberth, Lundberg, Matlock, Pody, Ragan, Reedy, Sargent, Sexton C., Sexton J., Terry, Todd, Travis, Van Huss, White D., Windle -- 24

A motion to reconsider was tabled.

## REQUEST TO CHANGE VOTE

2966

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.



Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on **Senate Bill No. 2440** and have this statement entered in the Journal: Reps. Lollar and Daniel.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1894** -- Estates - As introduced, increases the maximum amount of a life insurance policy from \$7,500 to \$15,000 in order that a photocopy of a certificate of death, along with certain statements, may constitute proof of death; authorizes certain financial institutions and associations to pay out all accounts of certain deceased, and checks payable to certain deceased, to certain creditors, relatives, and representatives as long as the sums do not exceed \$15,000 in the aggregate. - Amends TCA Title 45 and Title 56. by \*Hazlewood. (SB1972 by \*Tracy, \*Ketron)

On motion, House Bill No. 1894 was made to conform with **Senate Bill No. 1972**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that Senate Bill No. 1972 be passed on third and final consideration.

Rep. Lundberg moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1972 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-206, is amended by deleting the language "seven thousand five hundred dollars (\$7,500)" and substituting instead the language "fifteen thousand dollars (\$15,000)".

SECTION 2. Tennessee Code Annotated, Section 45-2-708(a)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting instead the language "fifteen thousand dollars (\$15,000)".

SECTION 3. Tennessee Code Annotated, Section 45-2-711(a)(1), is amended by deleting the language "two thousand five hundred dollars (\$2,500)" and substituting instead the language "ten thousand dollars (\$10,000)".

SECTION 4. Tennessee Code Annotated, Section 45-2-711(a)(1), is further amended by deleting the language "payable to the decedent" and substituting instead the language "payable to the decedent or the decedent's estate".

SECTION 5. Tennessee Code Annotated, Section 45-2-711(a)(1), is further amended by deleting the phrase "payable to the deceased" and substituting instead the phrase "payable to the decedent or the decedent's estate".

SECTION 6. Tennessee Code Annotated, Section 45-3-514(a)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting instead the language "fifteen thousand dollars (\$15,000)".

SECTION 7. Tennessee Code Annotated, Section 45-3-524(a)(1), is amended by deleting the language "two thousand five hundred dollars (\$2,500)" and substituting instead the language "ten thousand dollars (\$10,000)".

SECTION 8. Tennessee Code Annotated, Section 45-3-524(a)(1), is further amended by deleting the language "payable to the decedent" and substituting instead the language "payable to the decedent or the decedent's estate".

SECTION 9. Tennessee Code Annotated, Section 45-3-524(a)(1), is further amended by deleting the phrase "payable to the deceased" and substituting instead the phrase "payable to the decedent or the decedent's estate".

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Hazlewood moved that **Senate Bill No. 1972**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**House Bill No. 2337** -- Business Organizations - As introduced, revises various provisions pertaining to dissolution of certain business entities. - Amends TCA Title 48. by \*Jenkins. (\*SB1871 by \*Johnson)

On motion, House Bill No. 2337 was made to conform with **Senate Bill No. 1871**; the Senate Bill was substituted for the House Bill.

**MONDAY, MARCH 14, 2016 – FORTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Jenkins moved that Senate Bill No. 1871 be passed on third and final consideration.

Rep. Marsh moved that Business and Utilities Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Jenkins moved that **Senate Bill No. 1871** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 92

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**\*House Bill No. 2064** -- Highway Signs - As introduced, grants the department of transportation exclusive jurisdiction over the design, erection, installation, and maintenance of tourist oriented directional signs ("TODS signs"), including jurisdiction over TODS signs on state highways in incorporated municipalities; requires removal of signs purporting to be TODS signs that were, or are, installed without lawful authorization; requires department to establish TODS permit system and inventory. - Amends TCA Title 54, Chapter 5. by \*Daniel. (SB1971 by \*Tracy)

Rep. Daniel moved that House Bill No. 2064 be passed on third and final consideration.

Rep. Matlock moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2064 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-5-1301, is amended by adding the following new subsections:

(c) Notwithstanding this chapter or any other law to the contrary, the department shall have sole and exclusive jurisdiction over the design, erection, installation, and maintenance of tourist oriented directional signs (“TODS signs”) located within the right-of-way of any highway designated as part of the state highway system, including TODS signs within the corporate limits of municipalities.

(d) As used in this part, “tourist oriented directional signs” or “TODS signs” refer only to the specific category of guide signs authorized in the Manual on Uniform Traffic Control Devices for use on rural conventional roads to display business identification and directional information for eligible tourist-oriented facilities. TODS signs do not include specific service signs as authorized in part 11 of this chapter, community wayfinding signs, or other types of guide signs authorized in the Manual on Uniform Traffic Control Devices.

SECTION 2. Tennessee Code Annotated, Section 54-5-1302, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) Any TODS sign that was, or is, erected or installed within the right-of-way of any state highway by any local government or any entity other than the department or a

contractor acting for the department is hereby declared illegal, and the sign shall be removed by the local government or entity that erected or installed it; provided, however, that the cost of removal may be recovered from the facility or facilities advertised on the sign. If the local government or entity fails or refuses to remove the sign within one hundred eighty (180) days after ordered by the department, the department shall remove the sign and may recover the cost of removal from the local government that constructed the sign.

SECTION 3. Tennessee Code Annotated, Section 54-5-1303, is amended by deleting the section in its entirety and substituting instead the following:

The department of transportation shall promulgate necessary rules to accomplish the effect and intent of this part. The rules shall define eligible users of TODS; establish an application process for obtaining a TODS sign; provide for the department to charge fees to cover the cost of signing and administration of the TODS program; and address other topics suggested in the Manual on Uniform Traffic Control Devices.

SECTION 4. Tennessee Code Annotated, Title 54, Chapter 5, Part 13, is amended by adding the following new section:

**54-5-1305.**

The department of transportation shall develop and maintain an inventory of TODS signs located within state highway rights-of-way, including signs erected by the department or any other person or entity, and indicating whether the signs

are located within, or outside, the corporate limits of a municipality. The initial inventory shall be completed by no later than July 1, 2018.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Daniel moved that **House Bill No. 2064**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 2064** and have this statement entered in the Journal: Rep. Carr.

### **REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1450** -- Motor Vehicles - As introduced, applies salvage, nonrepairable, rebuilt, and flood vehicle certificate of title requirements to motorcycles. - Amends TCA Section 55-3-211. by \*Kane. (SB1994 by \*Ketron)

On motion, House Bill No. 1450 was made to conform with **Senate Bill No. 1994**; the Senate Bill was substituted for the House Bill.

Rep. Kane moved that **Senate Bill No. 1994** be passed on third and final consideration, which motion prevailed by the following vote:

2971

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Ayes ..... 94  
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 94

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**House Bill No. 2443** -- Child Custody and Support - As introduced, requires certain temporary injunctions go into effect against both parties upon filing of a petition related to child custody. - Amends TCA Title 36, Chapter 6, Part 1. by \*Williams. (\*SB1819 by \*Bailey)

Rep. Williams moved that House Bill No. 2443 be passed on third and final consideration.

Rep. Lundberg moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2443 by deleting SECTION 1(b)(3) and substituting instead the following:

(3) An agreed order is entered; or

**AND FURTHER AMEND** by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 36-6-108, is amended by adding the following as a new subsection:

(j) This section shall also apply to a parent who is subject to an injunction pursuant to Section 1 or § 36-4-106(d)(5).

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Williams moved that **House Bill No. 2443**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

2972

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. K. Brooks voted "aye" on **House Bill No. 2443**.

### REGULAR CALENDAR, CONTINUED

**\*House Joint Resolution No. 645** -- Memorials, Academic Achievement - Elaine Patel, Top Ten, Spring Hill High School. by \*Butt.

Further consideration of House Joint Resolution No. 645, previously considered on the Consent Calendar for March 10, 2016, at which time it was objected to and reset for today's Calendar.

### BILLS WITHDRAWN

On motion of Rep. Butt, **House Joint Resolution No. 645** was withdrawn from the House.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1685** -- Taxes, Real Property - As introduced, exempts owners of property that is disqualified as agricultural, forest, or open space land from liability for rollback taxes if the disqualification is due to a change in law or correction of an assessor's error and certain other conditions are met. - Amends TCA Section 67-5-1008. by \*Halford, \*Keisling, \*Brooks K, \*Howell, \*Littleton, \*Jenkins, \*Todd, \*Moody. (SB1642 by \*Southerland)

Further consideration of House Bill No. 1685, previously considered on March 10, 2016, at which time it was reset for today's Calendar.

**MONDAY, MARCH 14, 2016 – FORTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION**

On motion, House Bill No. 1685 was made to conform with **Senate Bill No. 1642**; the Senate Bill was substituted for the House Bill.

Rep. Halford moved that Senate Bill No. 1642 be passed on third and final consideration.

Rep. Stewart moved that House Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Halford moved that **Senate Bill No. 1642** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

**Senate Bill No. 1659** -- Aircraft and Airports - As introduced, under certain circumstances, authorizes an airport authority to sell an aircraft abandoned on the airport authority's property; establishes procedures for conducting the sale, notifying interested parties, and enforcing a lien for unpaid storage fees. - Amends TCA Title 42; Title 47 and Title 66, Chapter 29. by \*Tracy. (\*HB1434 by \*Marsh)

Further consideration of Senate Bill No. 1659, previously considered on March 10, 2016, at which time the House substituted the Senate Bill for the House Bill, and it was reset for today's Calendar.

Rep. Marsh moved that Senate Bill No. 1659 be passed on third and final consideration.

Rep. Marsh moved adoption of House Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1659 by deleting the word "or" at the end of § 66-29-301(1)(A) in the amendatory language of Section 1, and substituting instead the word "and".



On motion, House Amendment No. 1 was adopted.

Rep. Marsh moved that **Senate Bill No. 1659**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

## **MESSAGE CALENDAR**

### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2045** -- Motor Vehicles - As introduced, redefines "autocycle" and clarifies definitions related to the weight or engine displacement of all-terrain vehicles and autocycles; prohibits a person from operating an autocycle with a child passenger if such child is required to use a car seat in a passenger car. - Amends TCA Title 11; Title 47 and Title 55. by \*Alexander. (SB2229 by \*Southerland)

Rep. Alexander moved that the House non-concur in Senate Amendment No. 1 to House Bill No. 2045, which motion prevailed.

### **HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2148** -- Students - As introduced, requires LEAs to provide students with certain periods of physical activity depending on grade level; deletes an obsolete reporting requirement. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6. by \*Ragan, \*Stewart. (\*SB1983 by \*Bowling, \*Bailey, \*Crowe)

### **Senate Amendment No. 1**

AMEND House Bill No. 2148 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1021, is amended by deleting the section and substituting instead the following:

(a) In accordance with § 49-6-1022, it shall be the duty of each LEA to integrate:

(1) For students in kindergarten through grade one (K-1), a minimum of three (3) fifteen-minute periods of non-structured physical activity per day;

(2) For students in grades two through grade (2-6), a minimum of two (2) twenty-minute periods of non-structured physical activity at least four (4) days a week; and

(3) For students in grades seven through twelve (7-12), a minimum of ninety (90) minutes of physical activity per week, which may include walking, jumping rope, playing volleyball, or other forms of physical activity that promote fitness and well-being; however, walking to and from class shall not be considered physical activity for the purposes of this subdivision (a)(3).

(b) For purposes of this section, "non-structured physical activity" means a temporary withdrawal or cessation from usual school work or sedentary activities during which an opportunity for rigorous physical activity is provided. "Non-structured physical activity" does not mean walking to and from class.

(c) The office of coordinated school health in the department of education shall provide an annual report by August 1, to the education administration and planning committee of the house of representatives, the education instruction and programs committee of the house of representatives, and the education committee of the senate on the implementation of subsection (a). The report shall contain at least the following information:

(1) The percentage of public schools that integrate periods of non-structured physical activity per day into the instructional school day in compliance with subsection (a);

(2) The types of physical activities that are used to meet the physical activity requirement;

(3) Any barriers that have limited full compliance with the physical activity requirement;

(4) Innovative methods that schools use to comply with the physical activity requirement;

(5) The ranking of Tennessee schools in providing physical activity and physical education as compared to other states;

(6) Relevant data or studies that link physical activity or physical education to academic performance in students;

(7) Relevant data or studies showing whether increased physical activity or physical education lead to better health outcomes;

(8) The annual percentage of increase or decrease in compliance with the physical activity requirement in school districts with average daily membership of twenty-five thousand (25,000) or more students; and

(9) An overall summary and a set of recommendations to promote active living in the youth of this state, including, but not limited to, suggestions for increasing compliance with the physical activity requirement that can be implemented with minimal cost.

(d) The requirements of subsection (a) shall not replace the current physical education program in a school, but shall serve as an addition to the school's physical education program.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to the 2016-2017 academic years and academic years thereafter.

Rep. Ragan moved that the House concur in Senate Amendment No. 1 to **House Bill No. 2148**, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	2
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 91

Representatives voting no were: Forgety, Pody -- 2

Representatives present and not voting were: McCormick -- 1

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **Senate Joint Resolution No. 453** to be heard in the Business and Utilities Committee this week, which motion prevailed.

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 1980** to be heard in the Transportation Subcommittee this week, which motion prevailed.

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 2389** to be heard in the Civil Justice Subcommittee this week, which motion prevailed.

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 1963** to be heard in the Criminal Justice Subcommittee this week, which motion prevailed.

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 2549** to be heard in the Consumer and Human Resources Subcommittee this week, which motion prevailed.

**RULES SUSPENDED**

Rep. Swann moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 575 out of order, which motion prevailed.

**Senate Joint Resolution No. 575** -- Memorials, Recognition - Sam Houston statue in Maryville. by \*Overbey.

On motion of Rep. Ramsey, the resolution was concurred in.

A motion to reconsider was tabled.

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**NOTICE TO ACT ON SENATE MESSAGE**

Pursuant to **Rule No. 59**, notice was given that the following measure from the Senate would be considered on March 17, 2016:

**House Bill No. 1469:** by Rep. Travis

**MOTION TO RECONSIDER**

Rep. Casada moved to lift from the table the motion to reconsider the House's actions on passing Senate Bill No. 1674, which motion prevailed.

Rep. Casada moved that the House reconsider its actions on passing Senate Bill No. 1674, which motion prevailed by the following vote:

Ayes ..... 63  
Noes..... 28

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Wirgau, Zachary, Madam Speaker Harwell -- 63

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Hazlewood, Jenkins, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Ragan, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 28

Rep. Casada moved that Senate Bill No. 1674 be passed on third and final consideration.

**BILL RE-REFERRED**

Rep. Casada moved that **Senate Bill No. 1674** be re-referred to the Transportation Committee Calendar and that the same be heard this week, which motion prevailed by the following vote:

Ayes ..... 68  
Noes..... 25

## MONDAY, MARCH 14, 2016 – FORTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 68

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Dunlap, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 25

A motion to reconsider was tabled.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 919** Rep. McCormick as prime sponsor.

**House Bill No. 1301** Reps. Durham and Pody as prime sponsors.

**House Bill No. 1449** Rep. Powell as prime sponsor.

**House Bill No. 1495** Rep. Gilmore as prime sponsor.

**House Bill No. 1523** Rep. Rogers as prime sponsor.

**House Bill No. 1524** Rep. Rogers as prime sponsor.

**House Bill No. 1730** Rep. Daniel as prime sponsor.

**House Bill No. 1871** Rep. Durham as prime sponsor.

**House Bill No. 1884** Reps. H. Brooks and Smith as prime sponsors.

**House Bill No. 2105** Rep. Calfee as prime sponsor.

**House Bill No. 2133** Reps. Howell, Swann, Holsclaw, Gravitt and Carter as prime sponsors.

**House Bill No. 2342** Rep. Windle as prime sponsor.

**House Bill No. 2377** Rep. Jernigan as prime sponsor.

**House Bill No. 2414** Rep. Keisling as prime sponsor.

**House Bill No. 2491** Rep. Love as First prime sponsor.

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**House Bill No. 2561** Rep. Stewart as prime sponsor.

**SPONSORS REMOVED**

On Motion, Rep. Daniel was removed as sponsor of **House Bill No. 919**.

On Motion, Reps. Reedy and Terry were removed as sponsors of **House Bill No. 1468**.

**MESSAGE FROM THE GOVERNOR**

**March 14, 2016**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill No. 2129; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor

**MESSAGE FROM THE SENATE**

**March 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 467, 610, 611, 613, 614, 615, 616, 620, 621, 627, 628, 629, 631, 632, 633, 634 and 635; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**March 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 1443, 1475, 1492, 1513, 1648, 1677, 1683, 1768, 1836, 1867, 1903, 1905, 1944, 2155, 2170, 2305, 2572, 2619, 2624 and 2627; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**

**March 14, 2016**

The Speaker announced that she had signed the following: House Bills Nos. 682 and 1700.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS**

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**March 14, 2016**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 181, 182 and 183; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED**  
**March 14, 2016**

The Speaker announced that she had signed the following: House Resolutions Nos. 181, 182 and 183.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 1600, 1750, 1846, 1946, 2010, 2055, 2108, 2152, 2197, 2622 and 2626; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1628, 1789, 1873, 1966, 2000, 2062, 2531 and 2571; and Senate Joint Resolutions Nos. 424, 430, 497, 518, 519, 520, 521, 522, 523, 524, 527, 528, 529, 530, 531, 532 and 535; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**  
**March 14, 2016**

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 424, 430, 497, 518, 519, 520, 521, 522, 523, 524, 527, 528, 529, 530, 531, 532 and 535.

JOE MCCORD, Chief Clerk

**MESSAGE FROM THE SENATE**  
**March 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1429, 1490, 1605, 1646, 1763, 1815, 1899, 1924, 1945, 1956, 1998, 2027, 2029, 2064, 2248, 2380, 2417, 2443 and 2594; passed by the Senate.

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RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1429** -- Veterinarians - As introduced, deletes requirement that veterinary facilities located in retail establishments have an entrance that is directly on a public street or parking area. - Amends TCA Title 63, Chapter 12. by \*Bell. (\*HB1406 by \*Casada)

**\*Senate Bill No. 1490** -- Veterans - As introduced, exempts honorably discharged and retired veterans of the United States armed forces from firing range and classroom training requirements for handgun carry permits upon presenting a DD 214 form indicating a discharge or retirement date within five years of application for the permit. - Amends TCA Title 39, Chapter 17, Part 13. by \*Overbey, \*Bailey, \*Green, \*Stevens, \*Haile. (HB1641 by \*Forgety, \*Gravitt)

**\*Senate Bill No. 1605** -- Constitutional Amendments - As introduced, requires that the ballot description of any proposed constitutional amendment contain the full text of each section of the constitution the proposed amendment would alter or delete. - Amends TCA Title 2. by \*Niceley, \*Bailey. (HB1796 by \*Dunn)

**Senate Bill No. 1646** -- Taxes, Real Property - As introduced, changes the formula for calculating hearing costs in property tax appeals before the board of equalization; permits the assessment appeals commission to issue a notice rather than a certificate of assessment in certain circumstances; changes notice requirements for unpaid rollback taxes. - Amends TCA Title 67, Chapter 5. by \*Bailey. (\*HB1689 by \*Gravitt)

**Senate Bill No. 1763** -- Driver Licenses - As introduced, requires the department of safety to report to the transportation committees of both houses by February 1, 2017, the number of commercial driver license holders who previously held military commercial driver licenses, and whether they experienced any barriers in applying for such state license. - Amends TCA Title 55, Chapter 50. by \*Bowling. (\*HB1778 by \*Alexander)

**\*Senate Bill No. 1815** -- Physicians and Surgeons - As introduced, deletes requirement that individual physician's offices and practices register as medical spas; deletes a January 1, 2016, deadline for submitting information related to registering as a medical spa. - Amends TCA Section 63-6-105. by \*Hensley. (HB1909 by \*Terry, \*Jernigan, \*Shepard)

**Senate Bill No. 1899** -- Education - As introduced, makes certain changes to the requirements for voluntary pre-k programs to ensure that the programs are high quality and coordinated with instruction beyond the pre-k level. - Amends TCA Title 49, Chapter 6, Part 1. by \*Dickerson, \*Haile, \*Yarbro. (\*HB1485 by \*White M, \*Love, \*Akbari, \*Forgety, \*Brooks H, \*Byrd, \*McDaniel, \*Fitzhugh, \*Lamberth, \*Powell, \*Cooper)

**\*Senate Bill No. 1924** -- Utilities, Utility Districts - As introduced, authorizes natural gas utility districts in Hawkins County to provide funding to chambers of commerce and economic and community organizations pursuant to a resolution adopted by the governing body. - Amends TCA Title 7, Chapter 82. by \*Niceley. (HB2264 by \*Hicks)

**Senate Bill No. 1945** -- Election Laws - As introduced, makes various revisions to election laws such as when a deficient voter registration may be corrected, the timing of delivery

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of poll books and records to the counting board, and prohibiting the appointment of a candidate's spouse on the ballot to serve as a poll watcher. - Amends TCA Section 2-14-202; Section 2-2-109; Section 2-3-204; Section 2-6-303; Section 2-7-104 and Section 2-9-105. by \*Yager. (\*HB1939 by \*Wirgau)

**Senate Bill No. 1956** -- Dentists and Dentistry - As introduced, directs the commissioner of health to complete a comprehensive state oral health plan by January 1, 2017, and to submit the plan to the federal centers for disease control and prevention and to the general assembly. - Amends TCA Title 68. by \*Yarbro. (\*HB2025 by \*Love)

**Senate Bill No. 1998** -- Clerks, Court - As introduced, authorizes the clerk in any court where electronic filing, signing, or verification of papers is authorized by court rule to assess a transaction fee for each filing submitted on an individual basis or by use of an annual subscription fee. - Amends TCA Title 8, Chapter 21, Part 4. by \*Ketron. (\*HB1857 by \*White D)

**Senate Bill No. 2027** -- Medical Occupations - As introduced, permits the employment of certain medical professionals by charitable clinics. - Amends TCA Title 63, Chapter 11; Title 63, Chapter 5; Title 63, Chapter 6; Title 63, Chapter 8 and Title 63, Chapter 9. by \*Briggs. (\*HB2006 by \*Kumar, \*Miller)

**Senate Bill No. 2029** -- Forfeiture of Assets - As introduced, prohibits a general sessions judge from authorizing a magistrate or judicial officer who is not licensed in this state to issue forfeiture warrants. - Amends TCA Title 40, Chapter 33, Part 2. by \*Briggs. (\*HB1772 by \*Zachary)

**Senate Bill No. 2064** -- Tennessee Emergency Management Agency (TEMA) - As introduced, establishes that local emergency management agency personnel shall have all rights, benefits, privileges, and protections available pursuant to state and local laws, including death benefits in the amount of \$25,000. - Amends TCA Title 39, Chapter 13, Part 1 and Title 58. by \*Stevens, \*Bowling. (\*HB2062 by \*Halford, \*Jernigan)

**Senate Bill No. 2248** -- Game and Fish Laws - As introduced, requires the wildlife resources director to issue up to eight four-day licenses to hunt deer and turkey in Lewis County during the designated seasons on three occasions per year; the licenses will cost \$10.00 each. - Amends TCA Title 70. by \*Hensley. (\*HB2287 by \*Byrd)

**Senate Bill No. 2380** -- Local Government, General - As introduced, expands the authority of the local governments to make interfund loans to include all funds derived from the sale of a Tennessee private act hospital; limits capital outlay notes from the sale of a Tennessee private act hospital not to exceed a period of 20 fiscal years. - Amends TCA Title 9, Chapter 21. by \*Bell. (\*HB1801 by \*Howell)

**Senate Bill No. 2417** -- Sewage - As introduced, authorizes the use of green infrastructure practices within areas that have combined sanitary sewage and storm water systems. - Amends TCA Title 7; Title 68, Chapter 221 and Title 69, Chapter 3. by \*Yarbro. (\*HB1850 by \*Jernigan, \*Gilmore)

**Senate Bill No. 2443** -- Physicians and Surgeons - As introduced, enacts the "Health Care Empowerment Act"; authorizes direct primary care agreements. - Amends TCA Title 56;

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Title 63; Title 68 and Title 71. by \*Roberts, \*Crowe, \*Bowling, \*Bell, \*Bailey, \*Gresham, \*Hensley, \*Jackson, \*Tracy, \*Stevens. (\*HB2323 by \*Kumar, \*Harwell)

**Senate Bill No. 2594** -- Professions and Occupations - As introduced, allows licensing authorities for certain state regulatory agencies to consider whether a person's conviction for the commission of a felony bears directly on the person's fitness to practice competently when making determinations regarding the person's licensure status. - Amends TCA Title 57; Title 62; Title 63; Title 68 and Title 69. by \*Norris. (\*HB2496 by \*Akbari, \*Love)

**ROLL CALL**

The roll call was taken with the following results:

Present..... 95

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 95

**RECESS**

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Thursday, March 17, 2016.